



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 3  
AGENDA DATE: Thu 09/01/2005  
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**SUBJECT:** Approve an ordinance amending Chapter 6-1 of the City Code to add a new Article 3 regarding vehicle idling and creating an offense.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Austin Energy  
**DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION:** Juan Garza

**FOR MORE INFORMATION CONTACT:** Ester Matthews, Director, Local Government Issues / 322-6041; Fred Blood, Sustainability Officer / 482-5340

**PRIOR COUNCIL ACTION:** 970612-38 - Reduce greenhouse emissions in the transportation sector; 011108-37 - Commit to O-3 Flex Plan, for regional ozone reduction; 031204-56 - Approve the Clean Air Action Plan (includes a reduction of vehicle idling); 20050623-02 - Execute MOA between COA and TCEQ for implementation of heavy-duty vehicle idling limitation.

**BOARD AND COMMISSION ACTION:** Recommended by the Electric Utility Commission.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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On July 29, 2005, the City of Austin entered into a Memorandum of Agreement (MOA) for the purpose of delegating rule enforcement (30 TAC Chapter 114, Sections 114.510 – 114.512 and 114.517) from the Texas Commission on Environmental Quality (TCEQ) to Local Governments and incorporating the emission reductions resulting from the implementation and enforcement of rules into the State Implementation Plan ("SIP"). This action puts the rule into City Code to be enforced.

The State rule was enforceable as of August 1, 2005. Under the new code provisions, the City will enforce the rule as a 'Class C' misdemeanor. Educational materials will be passed out immediately to potential violators; actual ticketing and fines will start on April 01, 2006. It is expected that this will be a complaint driven process.

Limiting heavy-duty vehicle idling is a key component of the region's Early Action Compact (EAC). It offers significant emission reductions and stakeholder groups specifically requested it.



**Electric Utility Commission  
August 15, 2005  
Meeting**

**Approve an ordinance amending Chapter 6-1 of the City Code (Air Quality) to add a new Article 3 (Motor Vehicle Idling).**

**Motion by: LeGette**

**Seconded by: Fath**

**Ayes: Carr, Fath, LeGette, Shaw, and Skeith**

**Nays: NONE**

**Abstaining: NONE**

**Off the dais: Owens**

**Absent: Weston and Fernandez**

**The Commission approved this item, 5-0.**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY CODE BY ADDING A NEW CHAPTER 6-1, ARTICLE 3, RELATING TO VEHICLE IDLING AND CREATING AN OFFENSE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Chapter 6-1 of the City Code is amended to add a new Article 3 to read:

***ARTICLE 3. MOTOR VEHICLE IDLING.***

**Division 1. General Provisions.**

**§ 6-1-41 DEFINITIONS.**

In this article:

- (1) IDLE means the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.
- (2) MOTOR VEHICLE means any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, Section 502.002, excluding vehicles registered under Section 502.006(c).
- (3) PRIMARY PROPULSION ENGINE means a gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

**§ 6-1-42 APPLICABILITY.**

- (A) This article applies during the period of April 1 through October 31 of each year.

(B) This article applies within the zoning jurisdiction of the City.

## **Division 2. Restrictions.**

### **§ 6-1-51 IDLING PROHIBITED.**

No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion.

### **§ 6-1-52 EXEMPTIONS.**

The restriction in Section 6-1-51 (*Idling Prohibited*) does not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less;
- (2) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (3) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
- (4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, not including propulsion, and/or passenger compartment heating, or air conditioning;
- (5) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (6) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (7) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles intended for commercial passenger transportation or school buses in which case idling up to a maximum of 30 minutes is allowed;
- (8) the primary propulsion engine of a motor vehicle used for passenger transit operations in which case idling up to a maximum of 30 minutes is allowed;

- (9) the primary propulsion engine of a motor vehicle being used as airport ground support equipment; or
- (10) the owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner.

**§ 6-1-53 PENALTY.**

- (A) A person commits an offense if the person performs an act prohibited by this article or fails to perform an act required by this article. An offense under this article is a Class C misdemeanor, and is subject to the penalty prescribe by Section 1-1-99 (*Offenses; General Penalty*).
- (B) Each instance of a violation of this article is a separate offense.

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk